

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

ATLANTA DIVISION

UNITED STATES OF AMERICA :
:
v. : CRIMINAL ACTION NO.
: 1:18-CR-181-MLB-CMS
BENJAMIN JENKINS :

AMENDED MOTION TO SUPPRESS
STATEMENTS MADE TO LAW ENFORCEMENT

COMES NOW the Defendant, BENJAMIN JENKINS, by and through undersigned counsel, hereby moves this Court to suppress the statements he made to law enforcement on or about February 13, 2017 and at the time of his arrest on May 24-25, 2018.

Mr. Jenkins is charged in an eighteen count indictment with a combination of sexual exploitation and production and distribution of child pornography violations related to “sextortion.”

Mr. Jenkins was taken into custody on February 13, 2017, when agents searched his house at 5175 Silhouette Lane, Mableton, Georgia 30126. While under arrest as the agents searched his house, the agents questioned Mr. Jenkins, and Mr. Jenkins made a statement to the police. Mr. Jenkins has filed a motion to suppress the evidence that was obtained in violation of Mr. Jenkins’ rights under the Fourth

Amendment to the United States Constitution. In addition, Mr. Jenkins made a statement at the time of his arrest on May 24-25, 2018.

In order to use statements made by Mr. Jenkins, the government must prove that the statements were made voluntarily pursuant to *Jackson v. Denno*, 378 U.S. 368, 376-77 (1984), and not in violation of *Miranda v Arizona*, 384 U.S. 436, 468-69 (1966). If, however, Mr. Jenkins' statements were made involuntarily or without a knowing waiver of his *Miranda* rights, they should be suppressed pursuant to the Fifth Amendment to the United States Constitution.

WHEREFORE, Mr. Jenkins respectfully requests that this Court conduct a pretrial evidentiary hearing on this matter to determine the admissibility of any statements he made on or about February 13, 2017 and May 24-25, 2018.

Dated: This 7th day of September, 2018.

Respectfully submitted,

/s/ J. Wesley Bryant
J. WESLEY BRYANT
Georgia Bar No. 091621
Attorney for Mr. Jenkins

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion to Suppress Statements has been formatted in Times New Roman 14 point, in accordance with Local Rule 5.1B, and was electronically filed this day with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following counsel of record:

Paul Jones, Esq.
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Atlanta, Georgia 30303

Dated: This 7th day of September, 2018.

/s/ J. Wesley Bryant
J. WESLEY BRYANT
Georgia Bar No. 091621
Attorney for Mr. Jenkins